

UNITED STATES OF AMERICA

Vs.

ORLANDO ROSA-RODRIGUEZ
 (Name of Defendant)

JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)

Case Number 3:97CR0082-036 (SEC)

Marlene Aponte, Esq.
 Defendant's Attorney



THE DEFENDANT:

is personally liable to answer one and two of the CC
 was found guilty on count(s) 1 after a plea of guilty.
 Accordingly, the court sets the date and venue of each hearing, which follows the
 following schedule:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number (s)
1. 804	conspiracy to provide with intent to distribute	06/01/99	1, 2, 3, 4
1. 804	conspiracy to provide with intent to distribute	06/01/99	1, 2, 3, 4

The defendant was sentenced on 06/01/99 to 18 months of imprisonment. The sentence is imposed pursuant to the sentencing guidelines of the U.S. District Court.

The defendant has been found not guilty on count(s) 5 and 6 and is released on 06/01/99.

The defendant is ordered to pay a fine of \$10,000.00 and costs of \$1,000.00. The defendant is ordered to pay a fine of \$10,000.00 and costs of \$1,000.00. The defendant is ordered to pay a fine of \$10,000.00 and costs of \$1,000.00.

IT IS FURTHER ORDERED that the defendant be released by the United States Attorney for the District of Puerto Rico, or any change of name, on or before the date of the next hearing, to be held on 06/01/99, and upon the appointment of counsel by the defendant, on or before the date of the next hearing, to be held on 06/01/99.

Defendant's Name: ORLANDO ROSA-RODRIGUEZ

Defendant's Date of Birth: 07-07-53

U. S. Marshal No.: 14998-069

Defendant's Mailing Address:

Mr. Rodriguez, Esq., P.O. Box 1001
San Juan, Puerto Rico 00901

Defendant's Residence Address:

Same as above

May 14, 1999

Date of Imposition of Sentence

[Signature]
 Signature of Judicial Officer

SALVADOR J. MACELLAS, JUDGE
 Name of Judicial Officer

May 14, 1999

Date

Approved by: [Signature] Clerk of Court

Exhibit 1

Defendant: Orlando Rosa-Rodriguez
Case Number: Crim. No. 97-082-36 (SEC)

Judgment-Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of two hundred and ninety-two (292) months as to Count One and two hundred and forty (240) months as to Count Two to be served concurrently with each other concurrently with any state sentence presently being served and concurrently with sentence to be imposed in Cr. Case No. 98-009 by the Hon. Carmen C. Cerezo.

☐ The Court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal

☐ The defendant shall surrender to the United States Marshal for this district

☐ at _____
a.m.
p.m.

☐ as notified by the Marshal

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal

☐ as notified by the Probation Office

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
with a certified copy of this Judgment

United States Marshal

By _____
Deputy Marshal

AO 245-5 (10/95) Form 2 - Imprisonment

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Count One and three (3) years as to Count Two to be served concurrently with each other and concurrently with the sentence to be imposed in Cr. Case No. 98-009 by the Hon. Carmen C. Cerezo under the following terms and conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
The defendant shall not commit another federal, state or local crime.
The defendant shall not unlawfully possess a controlled substance.

For offenses committed on or after September 13, 1994.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and any other periodic drug tests thereafter, whenever so requested by the probation officer.

- [] The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
[X] The defendant shall not unlawfully possess controlled substances, and shall refrain from possessing firearms, as defined in 18 U.S.C. Section 921, or other dangerous weapons. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release, at least two (2) periodic tests thereafter and, when ever requested by the U.S. Probation Officer. If any such samples detect substance abuse, the defendant shall participate in a substance abuse treatment program arranged and approved by the U.S. Probation Officer until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer.

Defendant: Orlando Rosa-Rodriguez
Case Number: Crim. No. 97-082-36 (SEC)

Judgment-Page 4 of 4

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment if necessary)

Guideline Range Determined by the Court:

Total Offense Level: 37
Criminal History Category: IV
Imprisonment Range: 292 to 365 months
Supervised Release Range: at least five years
Fine Range: \$ 20,000 to \$ 4,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay

Total Amount of Restitution: \$

☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims, pursuant to 18 USC Section 3663(d)

☐ For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated pursuant to Chapters 109A, 110-110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments

☐ Partial restitution is ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): based on defendant's background, the nature of the offense and the statutory penalties, the Court finds that a sentence at the lower end of the guideline range, which is substantial in itself will deter the defendant from participating in further illegal activities

OR

☐ The sentence departs from the guideline range:

☐ upon motion of the government, as a result of defendant's substantial assistance

☐ for the following specific reason(s):

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

ORLANDO ROSA RODRIGUEZ
Defendant

Crim. No. 98-00009-CC

UNDER SEAL

**MOTION REQUESTING PERMISSION TO HAVE MAGISTRATE DELGADO
TAKE CHANGE OF PLEA AND FOR CONSOLIDATION OF CASES**

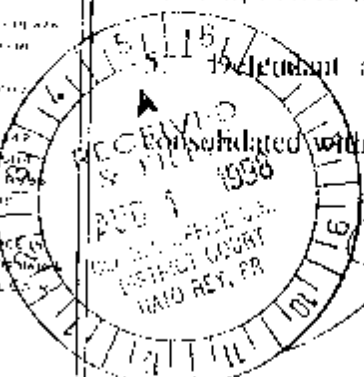
TO THE HONORABLE COURT:

COMES NOW DEFENDANT, by and through the undersigned counsel and very respectfully prays and states as follows:

1. That the above captioned defendant is currently cooperating with the Government and is an important witness in case 97-82 (SEC), a related case to the one present before this Court.
2. Defendant is indicted under the instant case and also under 97-82 (SEC).
3. That trial in 97-82 (SEC) is scheduled to begin in the month of August and the defendant needs to have his change of plea celebrated. Under 97-82 (SEC), the case has been referred to the Honorable Magistrate Delgado for the taking of the plea.
4. Defendant requests that the Court allow defendant to plead on both cases in a consolidated fashion, before the Honorable Magistrate

Defendant also requests that this Honorable Court allow the instant case to be consolidated with 97-82 (SEC) so they can be disposed of at sentencing at the same time.

U.S. District Court
District of Puerto Rico
San Juan, Puerto Rico
10013-0000
Tel. (787) 335-1000
Fax (787) 335-1001
www.uscourts.gov



Granted
8/19/98
USD

s/ Carlos Zúñiga Torres
W. Aponte
AUG 20 1998
132

IN VIEW OF THE FOREGOING, we respectfully request that the present case be consolidated with 97-82(SEC) for sentencing purposes so that the Honorable Salvador Cusellas can dispose of both indictments and that the Honorable Magistrate Delgado be allowed to take defendant's change of plea in this case.

I HEREBY CERTIFY, that on this date I have sent a true copy of the foregoing to
AUSA SONIA TORRES, to his address of record.

RESPECTFULLY SUBMITTED,

IN SAN JUAN, PUERTO RICO. On August 7, 1998.

Marlene Aponte Cabrera
MARLENE APONTE CABRERA, ESQ.

MARLENE APODOL CABRERA, ESTD
USDOPR 208603
BANCO COOPERATIVO PLAZA
623 PONCE DE LEON 404 B
HATO REY, PUERTO RICO 00917
/817764 5/51 FAX /63 6684

[illegible]

UNITED STATES DISTRICT COURT

Judicial

District of

Puerto Rico

ENTERED ON DOCK

JUL 11 2002

UNITED STATES OF AMERICA

v.

ORLANDO ROSA-RODRIGUEZ

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Date of Original Judgment: September 29, 2000
(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (Fed. R. Crim. P. 35(a))
☒ Reduction of Sentence for Charged Circumstances (Fed. R. Crim. P. 35(b))
☐ Defendant's Previously Sentencing Court (Fed. R. Crim. P. 35(c))
☐ Defendant's Previously Sentencing Court (Fed. R. Crim. P. 35(d))

Case Number: 98-CR-009-10(CCC)

Marlene Aponte-Calleja, Esq.

Defendant's Attorney

- ☐ Modification of Supervision Conditions (18 U.S.C. § 3583(a) or 3583(d))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Defendant's Acquittal (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant to 28 U.S.C. § 2255, et seq. (18 U.S.C. § 3582(c)(3))
☐ Modification of Restitution Order (18 U.S.C. § 3604)

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

THE DEFENDANT:

☒ pleaded guilty to One (1)

☐ pleaded not guilty to count(s)

which was accepted by the court.

☐ was found guilty on count(s)

after a plea of not guilty.

Title & Station

J-346

Nature of Offense

Conspiracy to possess with intent to distribute cocaine and heroin

Date Offense

Committed

October 10

1997

Count

2255(c)(3)

One (1)

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

Count(s) are dismissed on the motion of the United States

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 10 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's circumstances.

Defendant's Soc. Sec. 584-51-2757

May 21, 2002

Date of Imposition of Judgment

Defendant's Date of Birth 02-01-71

Defendant's USM No. 14888-069

Signature of Judicial Officer

Defendant's Residence Address

Bda. Portuguesa, Bldg. N-4191

CARMEN CONSUELO CEREZO, S. DISTRICT JUDGE

Name and Title of Judicial Officer

Phone No.

Date

Defendant's Mailing Address

Same as above

s/c S. Torres
Jul 11 2002

Ass. U.S. Marshal
Sgt. USPO, PPD, PC

551
me

DEFENDANT: ORLANDO ROSA-RODRIGUEZ
CASE NUMBER: 98-CR-009-10(CCC)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of * 120 MONTHS TO BE **SERVED CONCURRENTLY WITH THE SENTENCE IMPOSED IN CRIMINAL NO. 97-82 BY THE HONORABLE SALVADOR E. CASELLAS**

X The court makes the following recommendations to the Bureau of Prisons:
That defendant be incarcerated in the State of Florida and that he be afforded treatment for his drug addiction to allow for rehabilitation.

X The defendant is remanded to the custody of the United States Marshal

The defendant shall surrender to the United States Marshal as instructed.

☒ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution of _____

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: ORLANDO ROSA RODRIGUEZ
CASE NUMBER: 98-CR-009-10(CCC)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of FIVE (5) YEARS AND ONE DAY TO BE SERVED CONCURRENTLY WITH THE SENTENCE IMPOSED IN CR. CASE NO. 98-00099 BY THE HONORABLE JUDGE CASSELLAS, AND UNDER THE FOLLOWING TERMS AND CONDITIONS:

The defendant shall report to one place of abode in the judicial district in which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not violate another federal, state, or local law.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalty Sheet of this judgment.

The defendant shall comply with any standard conditions that have been adopted by the United States District Court for the District of Columbia, but also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of any arrest or detention by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a paid consultant of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties record, personal history, or characteristics and shall permit the probation officer to conduct any investigation or interview.

DEFENDANT: ORLANDO ROSA-RODRIGUEZ
 CASE NUMBER: 98-CR-000-118(CCC)

Judgment- Page 3A of 4

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall not unlawfully possess any controlled substance.

The defendant shall refrain from possessing firearms, destructive devices, and other dangerous weapons.

The defendant shall refrain from any unlawful use of a controlled substance and shall submit to one or more random drug tests within 15 days of release on supervised release, and at least 10 (10) days thereafter when so requested by the U.S. Probation Officer. If any such sample tests positive for any illegal substance, the defendant shall, at the discretion of the U.S. Probation Officer, participate in a substance abuse treatment program arranged and supervised by the U.S. Probation Officer until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer.

DEFENDANT: ORLANDO ROSA-RODRIGUEZ
CASE NUMBER: 98-CR-009-10(CCC)

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in addition to those entered on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>
TOTALS	\$ 100.00	\$

☐ The determination of restitution is deferred until _____ An Amended Judgment in a Criminal Case is to be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(f), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>* Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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TOTALS \$ _____ \$ _____

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant shall pay interest on any fine or restitution of more than \$2,000 unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest on the fine and the ☐ fine and the ☐ restitution is waived as follows:

* Findings for the total amount of losses are required under 18 U.S.C. 360A, 3612, 3613 and 3614 for offenses committed on or after September 13, 1994 but before April 23, 1996.



United States District Court

District of Puerto Rico

Notice of Orders or Judgments Fed. R. Civ. P. 77(d)

Date: 8/10/2005

To: Mariela Aponte-Cabrera
271 Street Morera
Las Cañadas
San Juan, PR 00926

Re: Case Number: 3:98-cr-00009

Docket Number: 551

This fax will be attempted three times. If you have not received a complete fax on that attempt it will be automatically printed and mailed to you.

If you have any problems with the quality of the transmitted document, please call (787) 772-3000.

Number of pages including cover sheet: 6